

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DAVID GECHT,)	
)	
	)	Case No. 23-cv-01742
Plaintiff,)	
)	
v.	)	Hon. Lindsay C. Jenkins
	)	United States District Judge
	)	Magistrate Hon. Heather K. McShain
REYNALDO GUEVARA, <i>et al.</i> ,)	
)	
Defendants.)	

RICHARD KWIL,)	
)	
	)	Case No. 23-cv-04279
Plaintiff,)	
)	
v.	)	Hon. Lindsay C. Jenkins
	)	United States District Judge
	)	Magistrate Hon. Heather K. McShain
REYNALDO GUEVARA, <i>et al.</i> ,)	
)	
Defendants.)	

RUBEN HERNANDEZ,)	
)	
	)	Case No. 23-cv-15375
<i>Plaintiff,</i>)	
)	
v.	)	Hon. Lindsay C. Jenkins
	)	United States District Judge
	)	Magistrate Hon. Heather K. McShain
REYNALDO GUEVARA, <i>et al.</i> ,)	
)	
<i>Defendants.</i>)	

JOINT STATUS REPORT

The Parties, by their respective undersigned counsel, and pursuant to this Court's October 2, 2024 Minute Entry (Dkt. 175),¹ respectfully submit the following Joint Status Report for the three above-captioned consolidated cases:

I. Pending Motions

Plaintiff Hernandez filed his Corrected Amended Complaint on October 15, 2024. *Hernandez*, Dkt. 83. Defendants City of Chicago and the Individual Officer Defendants have filed their answers. *Hernandez*, Dkt. 95-97. Defendants Brendan McGuire, Michael Hood, and Cook County ("County Defendants") filed an agreed motion for extension of time, *Hernandez*, Dkt. 98, which the Court granted. *Hernandez*, Dkt. 99. The County Defendants' responsive pleading is due December 10, 2024. *Id.*

On October 30, 2024, Plaintiffs Gecht and Kwil, together with the County Defendants, filed Joint Motions for Finding of Good Faith Settlement. *See Gecht*, Dkt. 178, 181; *Kwil*, Dkt. 101. The City and Individual Defendants filed their responses on December 5, 2024, after the Court granted their motions for extension. *Gecht*, Dkt. 189, 190; *Kwil*, Dkt. 114, 115.

Given the pending outcome of the Joint Motions for Finding of Good Faith Settlement, the Court granted County Defendants' motions for extension of time to file answers to Plaintiffs Gecht and Kwil's remaining claims. *Gecht*, Dkts. 180, 187.

II. Discovery Schedule

Fact discovery is currently to be completed by 3/31/2025. Dkt. 175.

¹ Unless otherwise stated, the Parties will use the docket entries in the above-referenced *Gecht* matter.

III. Written Discovery

(1) ESI Protocol

The Court has received a history of the Parties' conferrals regarding an ESI Protocol. *See* Dkt. 156, Dkt. 174. On August 22, 2024, the City and members of Plaintiffs' legal teams conferred about ESI issues across multiple pending Guevara-related cases to develop a global solution to Plaintiffs' request for ESI discovery. Another conferral took place on November 7, 2024. Plaintiff requested that the City provide an update on the conferred-upon issues by November 26, 2024. The City responded on December 5, 2024. Plaintiffs intend to file a motion to compel regarding ESI shortly.

(2) Inspection of Files

On October 7, 2024, the Parties conducted an inspection of investigative files at the records division warehouse where Plaintiffs were provided an opportunity to view the original files including the file in this case. During this inspection, Plaintiffs' Counsel took multiple photos of pages they believed were different from the City's produced version. The Parties reached an agreement to maintain the confidentiality of documents. Plaintiffs provided unredacted photos to Defendants for them to review and redact. The City has not yet produced redacted versions. Plaintiff produced unredacted versions under the Parties' Confidentiality Order, subject to the Defendants' production of the redacted versions. The City is still planning to redact the photos and produce them in accordance with the agreement between the Parties.

(3) 30(b)(6) Deposition

Plaintiff issued a Rule 30(b)(6) notice to the City in this case on October 24, 2024. To maximize efficiency, Plaintiff's counsel coordinated and served nearly-identical Rule 30(b)(6) notices across ten additional pending Guevara cases, and proposed consolidating depositions

across the cases on overlapping topics, which the City has agreed to. Plaintiffs' counsel drafted the first eight topics to be identical to those negotiated by agreement in an earlier set of cases involving Defendant Guevara. As to those eight topics, the parties have agreed that the City will formally designate its prior testimony in response, and that the City will apprise Plaintiffs by December 13 if any issues relating to timeframe require any supplementary testimony in this case. With regard to the remaining topics, these discussions are ongoing and conferences occurred on November 26, 2024, with follow up on December 6, 2024, and further follow up scheduled for December 16, 2024.

(4) Plaintiffs Gecht and Kwil's Anticipated Motion to Compel Production

As noted in previous JSRs, *Gecht* Dkts. 139, 174, Plaintiffs Gecht and Kwil have sought from Defendant City of Chicago supplemental production and responses to concerns outlined in their April 4, 2024 Rule 37.2 letter to the City. The City has not fully supplemented its production or responded to Plaintiffs' September 16, 2024 email memorializing Plaintiffs' concerns. *See* Dkt. 174.

On October 30, 2024, the City produced 64 pages of records, including Gecht's and Kwil's Arrest Reports, ERPS Response (responsive to RFP Nos. 3 and 4), May 1993 Floor Plan (responsive to RFP No. 12), June 1998 and June 1999 CPD Retention Schedules (responsive to RFP Nos. 13 and 25), and Hernandez's Criminal History. On November 5, 2024, the City answered and produced responsive documents to Plaintiffs' Third Set of Requests for Production. The City continues its duty to search for any outstanding responsive records and continues to supplement its production accordingly.

Plaintiffs Gecht and Kwil intend to file a motion to compel the production of all outstanding documents related to their concerns outlined on April 4, and September 16, 2024.

(5) Plaintiff Hernandez Written Discovery

On October 31, 2024, Defendant Officers raised a number of issues with Plaintiff Hernandez's discovery responses. Plaintiff Hernandez represented that he would be supplementing his written responses by December 13.

(6) Other Matters

The Parties have engaged in discussions with the Cook County States Attorney's Office ("CCSAO") regarding issues with redacted and/or withheld documents in the CCSAO production pursuant to subpoenas in this matter. Plaintiffs seek unredacted Felony Review folders/notes, while Defendants seek a number of records that were withheld and/or redacted. The Defendants have been continually following up with David Adelman since August 20. On October 30, 2 months later, the CCSAO represented it would be willing to work with Defendants "up to a point." However, as of the filing of this joint status report, the CCSAO has still not provided a response on what they would be willing to produce. Further, Defendants followed up on November 4 and 30 to see if there was a possibility for some compromise. The CCSAO has not responded to these emails to-date. As a result, Defendants anticipate filing a motion to compel the CCSAO for records withheld and/or redacted from their production no later than December 13, 2024.

IV. Oral Discovery

- The Parties have taken the depositions of Defendants Guevara, Muzupappa, Pergande, Rutherford, and Dickinson; third-party officers Weyland, Velasquez, and Troche; and Plaintiffs Gecht and Kwil.
- The depositions of Plaintiff Hernandez, third-party officer Montilla, and third-party witnesses Rosemary Gecht, Maria Lozada, Melissa Rivera, Colleen Miller, Wilfredo

Rosa, and Marc Blesoff are scheduled. On December 4, Plaintiffs proposed tentative dates for Jamie Gecht and Defendants are conferring on their availability regarding these proposed dates. Plaintiffs are working to propose dates for the depositions of third party witnesses Debra Kwil and Daisy Fernandez.

- The deposition of third-party officer Kischner was scheduled for Tuesday, December 3; however, counsel for the City cancelled the deposition that morning. Plaintiffs are waiting for new proposed dates for his deposition.
- Plaintiffs Gecht and Kwil have noticed the depositions of Defendants Brendan McGuire and Michael Hood. On November 19, Counsel for these Defendants represented that, based on a medical procedure, Mr. Hood was unavailable until early December 2024 and could be deposed as early as January 2025. At the time of this filing, counsel for ASA Defendants is circulating dates among defense counsel for Mr. McGuire's deposition, but no dates have been provided to Plaintiffs for either Mr. McGuire or Mr. Hood.
- The Parties are working to confirm other third-party depositions not noted above.

V. Status of Settlement Discussions

Plaintiffs Gecht, Kwil, and Hernandez have all issued settlement demands to all Defendants, which the City Defendants continue to consider. Plaintiffs Gecht, Kwil, and Hernandez remain willing to engage in efforts to resolve this matter with the City and Individual Defendants. Plaintiff Hernandez is engaged in settlement discussions with the CCSAO and anticipates continued discussions with the CCSAO throughout December.

DATED: December 6, 2024

/s/ Meg Gould

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